

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---------------------------------|---|---------------------------|
| Danielle Bryant, |) | |
| |) | |
| <i>Plaintiff,</i> |) | |
| |) | |
| <i>-vs-</i> |) | No. 09 CV 1546 |
| |) | |
| Sheriff of Cook County and Cook |) | <i>(Judge Gottschall)</i> |
| County, Illinois, |) | |
| |) | |
| <i>Defendants.</i> |) | |

PLAINTIFF'S MOTION TO COMPEL

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, plaintiff, by counsel, moves the Court to compel defendant Thomas Dart to appear for a deposition.

Grounds for this motion are as follows:

1. Plaintiff Danielle Bryant gave birth while a pre-trial detainee at the Cook County Jail.

2. As required by the policies of defendant Sheriff of Cook County, Bryant was shackled to her hospital bed for about 12 hours while she was in labor; the shackles were removed during delivery and then immediately replaced. Bryant remained in the hospital, shackled to her bed, for about two days after the birth of her child.

3. Defendant Dart has publicly defended his shackling policy by asserting that "many women" have escaped from custody during childbirth. (Sheriff Dart Letter to Editor, Chicago Tribune, June 25, 2009, attached as

Exhibit 1 *infra*.) According to defendant Dart, “Anytime a detainee is taken outside the jail for medical treatment, he or she becomes an immediate escape risk.”

4. Plaintiff seeks to depose Dart about these justifications for his shackling policy. Defense counsel has refused to produce defendant Dart.

5. Counsel for the parties discussed their respective positions in a face to face meeting on September 3, 2009 at the State’s Attorney’s office. Defense counsel persisted in his refusal to produce defendant Dart for a deposition.

6. Plaintiff does not wish to interfere with the official duties of defendant Dart and will limit Dart’s deposition to three hours and will depose Dart at his office.

It is therefore respectfully requested that the Court compel defendant Dart to appear for his previously noticed deposition.

Respectfully submitted,

/s/ Kenneth N. Flaxman
Kenneth N. Flaxman, ARDC 830399
200 S Michigan Ave, Ste 1240
Chicago, Illinois 60604
(312) 427-3200

Thomas G. Morrissey.
10249 S Western Ave
Chicago, Illinois 60643
(773) 233-7900
Attorneys for Plaintiff

Exhibit 1



Archives Opinion

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Archive for Thursday, June 25, 2009

Handcuffing pregnant inmates

June 25, 2009

Handcuffing pregnant inmates

This is in response to "Suit: Inmate shackled in labor; Woman was incarcerated days before hospital delivery" (News, June 12).

Attorneys Thomas Morrissey and Kenneth Flaxman allege that the jail's policy for handcuffing pregnant inmates while they are treated at outside hospitals violates state law.

Nothing could be further from the truth.

In fact, the jail's written policy specifically cites the statute in question and orders correctional officers to not handcuff pregnant inmates while they are being transported to the hospital and while they are delivering their babies.

Anytime a detainee is taken outside the jail for medical treatment, he or she becomes an immediate escape risk.

That is why we are permitted by law to cuff pregnant inmates to their hospital beds if they are not in labor and after child birth.

Many female inmates have successfully escaped custody while receiving medical treatment (including child birth) at hospitals outside of Cook County Jail.

The policy is in place to protect both the hospital staff and the female inmates.

In fact, not long ago, a female inmate who was hospitalized for surgery died while jumping from a hospital window at the in an escape attempt while she was recovering from the operation.

Further, it should be mentioned that the sheriff's office has operated a program called MOM's that has allowed hundreds of pregnant inmates who are charged with non-violent crimes to receive therapeutic pre- and post-natal care while in custody.

The program includes substance abuse counseling and mental-health treatment for pregnant inmates, and it allows them to remain with their babies after birth in a secure setting outside the jail walls.

– *Thomas J. Dart, sheriff of Cook County, Chicago*

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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Patrick Smith, ASA, 500 Daley Center, Chicago, IL 60602, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: none.

/s/ Kenneth N. Flaxman

Kenneth N. Flaxman
ARDC Number 08830399
200 S Michigan Ave, Ste 1240
Chicago, IL 60604-2430
(312) 427-3200 (phone)
(312) 427-3930 (fax)
knf@kenlaw.com (email)